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10 Attorneys for Defendant FEDERAL NATIONAL MORTGAGE ASSOCIATION

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 1597 ASHFIELD VALLEY TRUST, a
14 Nevada Trust; DAVID TOTH and SIRWAN
15 Trustees,

16 Plaintiff,

17 vs.

18 FEDERAL NATIONAL MORTGAGE
19 ASSOCIATION SYSTEM, a Delaware
Association; VENTA FINANCIAL GROUP ,
INC., a Nevada Corporation; OSCAR
MORENO, an Individual; DOES, 1 through 25
inclusive; and ROE CORPORATIONS,
1through X, inclusive,

20 Defendants.

21 Case No.:

22 **NOTICE OF REMOVAL**

23 Defendant, FEDERAL NATIONAL MORTGAGE ASSOCIATION (hereinafter, “Fannie
24 Mae” or “Removing Defendant”), by and through its counsel of record, Pite Duncan, LLP,
25 hereby removes this case to the United States District Court, District of Nevada, pursuant to 28
26 U.S.C. §§ 1331, 1441 and 1446. Removing Defendant states the following as grounds for
27 removal.

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GROUNDS FOR REMOVAL

I.

BACKGROUND

1. The above-entitled action was commenced on or about November 18, 2014, in the Eighth Judicial District Court for the State of Nevada in and for the County of Clark (hereinafter, "State Court") under the designated Case Number A-14-710010-C. The Plaintiffs named Fannie Mae as one of the Defendants.

2. As of today's date, Fannie Mae has not yet been served. However, Removing Defendant became aware of the underlying action on or about November 20, 2014. As required by 28 U.S.C. § 1446(a), attached hereto as Exhibit "A" are copies of all process, pleadings and order received by Fannie Mae regarding the State Court action.

3. Plaintiffs' Complaint asserts wrongful foreclosure, quiet title, declaratory relief, conversion, unjust enrichment, slander of title, "set aside foreclosure sale," and "void or cancel trustee's deed upon sale" causes of action against Fannie Mae arising from a homeowner's association foreclosure of a lien for delinquent assessments encumbering the property located at 1597 Ashfield Valley Avenue, Las Vegas, Nevada 89123 ("Subject Property"), and the subsequent non-judicial foreclosure of a Deed of Trust encumbering the Subject Property.

III.

FEDERAL QUESTION JURISDICTION

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 as Plaintiff's Complaint names Fannie Mae as a Defendant. Fannie Mae's charter authorizes Fannie Mae "to sue and be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal." 12 U.S.C. § 1723a(a). This charter language thus "confers federal question jurisdiction over claims brought by or against Fannie Mae." *See Lightfoot v. Cendant Mortgage Corporation*, 769 F.3d 681, 682 (9th Cir. 2014). Accordingly, as Fannie Mae's charter confers federal question jurisdiction to the claims asserted against Fannie Mae, removal is appropriate.

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III.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

5. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Removing Defendant is entitled to remove this action to this District Court.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). Thirty days have not elapsed since Fannie Mae became aware of the Complaint. Upon information and belief, no other Co-Defendants have been served. However, although Co-Defendants OSCAR MORENO and VENTA FINANCIAL GROUP, INC., have not been served, both provided consent to removal on December 15, 2014.

7. A copy of this Notice of Removal is being filed forthwith with the Clerk of the State Court, and shall be served upon the Plaintiffs in accordance with 28 U.S.C. § 1446(d).

IV.

CONCLUSION

8. WHEREFORE, based on the foregoing, the Removing Defendant hereby removes the above action, now pending in the State Court as Case Number A-14-710010-C, to this Court.

DATED this 15 day of December, 2014.

PITE DUNCAN, LLP

LAUREL I. HANDLEY

KRISTA J. NIELSON

Attorneys for Defendant *FEDERAL
NATIONAL MORTGAGE ASSOCIATION*

1 1597 Ashfield Valley Trust, et al v. Federal National Mortgage
2 Nevada Federal Court
Case No(s).

3 **DECLARATION OF SERVICE**

4 I, the undersigned, declare: I am, and was at the time of service of the papers herein
5 referred to, over the age of 18 years, and not a party to this action. My business address is 520
South Fourth Street, Suite 360, Las Vegas, Nevada 89101.

6 On December 15, 2014, I served the following document(s):

7 **NOTICE OF REMOVAL**

8 on the parties in this action addressed as follows:

9 Erica D. Loyd
10 **Kang & Associates, PLLC**
6480 W. Spring Mountain Road Suite 1
Las Vegas, NV 89146
11 *Attorneys for Plaintiff*

12 **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above. I am
13 readily familiar with the firm's practice of collection and processing correspondence for
mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary
14 course of business. I am aware that on motion of party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day after date of
deposit for mailing in affidavit.

15 **BY CERTIFIED MAIL:** I placed a true copy in a sealed envelope addressed as
16 indicated above via certified mail, return receipt requested.

17 **BY FACSIMILE:** I personally sent to the addressee's facsimile number a true copy of
18 the above-described document(s). I verified transmission with a confirmation printed out
by the facsimile machine used. Thereafter, I placed a true copy in a sealed envelope
addressed and mailed as indicated above.

19 **BY FEDERAL EXPRESS:** I placed a true copy in a sealed Federal Express envelope
20 addressed as indicated above. I am familiar with the firm's practice of collection and
processing correspondence for Federal Express delivery and that the documents served
21 are deposited with Federal Express this date for overnight delivery.

22 I declare under penalty of perjury under the laws of the State of Nevada that the
foregoing is true and correct

23 Executed this 15 day of December, 2014, at Las Vegas, Nevada.

25 
26 NICOLE L. LANE
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